

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TEVA PHARMACEUTICALS USA, INC.,

Plaintiff,

v.

CORCEPT THERAPEUTICS, INC., et al.,

Defendants.

Case No. 24-cv-03567-BLF

ORDER DENYING DEFENDANTS'
ADMINISTRATIVE MOTION TO
CONTINUE INITIAL CASE
MANAGEMENT CONFERENCE

[Re: ECF No. 43]

On August 26, 2024, Defendants filed motions to dismiss the complaint and motions to stay discovery pending the resolution of the motions to dismiss. ECF 34, 35, 36, 37. The motions to dismiss and motions to stay discovery were terminated as moot in light of Plaintiff's amended complaint filed on September 13. ECF 39, 40. The Initial Case Management Conference for this case is set for October 31, 2024. ECF 14. Accordingly, the deadline for the parties' initial Rule 26(f) conference is October 10, 2024. *Id.*; *see* Fed. R. Civ. P. 26(f)(1). Before the Court is Defendants' administrative motion to continue case management conference. ECF 43. Defendants argue that an Initial Case Management Conference in December 2024 or January 2025 may avoid unnecessary disputes prompted by "ultimately futile antitrust discovery." ECF 43. Plaintiff opposes the administrative motion. ECF 44. According to Plaintiff, the administrative motion is essentially a "thinly veiled motion to stay discovery," and it is "procedurally improper" to seek a stay on discovery using an administrative motion. ECF 44 at 1 (citing *Meta Platforms, Inc. v. Voyager Labs LTD.*, 2023 WL 4828007, at *2 (N.D. Cal. July 26, 2013)). The Court agrees with Plaintiff because granting the administrative motion would continue the parties' Rule 26(f) conference to a later date "so that defendants will not be obligated to begin discovery" until then. ECF 44 at 1. Essentially, the administrative motion is not "procedurally proper" to stay discovery, and Defendants can seek to stay discovery by bringing "regularly noticed motions in accordance with Civil L.R. 7-2 through

Civil L.R. 7-4” as they previously did. *Meta*, 2023 WL 4828007, at *2. Accordingly, Defendants’ administrative motion to continue Initial Case Management Conference is DENIED WITH PREJUDICE. And, for the parties’ information, the Court will address any motion to stay discovery as soon as it is fully briefed. Oral argument is rarely beneficial to the Court on this type of motion.

IT IS SO ORDERED.

Dated: September 23, 2024


BETH LABSON FREEMAN
United States District Judge